

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KAREN ALBERTS,  
Plaintiff,

v.

LIBERTY LIFE ASSURANCE COMPANY  
OF BOSTON,  
Defendant.

Case No. [14-cv-01587-RS](#) (MEJ)

**DISCOVERY ORDER**

Re: Dkt. No. 29

The Court is in receipt of the parties' joint letter regarding subpoenas that Defendant Liberty Life Assurance Company of Boston issued to the Human Resources Office for U.C. Berkeley, U.C. Office of the President, Stubbs & Leone, P.C., and Holmes & Usoz LLP. Dkt. No. 29. These subpoenas seek records concerning Plaintiff's employment at the University of California ("U.C."), where she worked at the U.C. Berkeley Police Department between December 1987 and March 2011. Plaintiff objects to these subpoenas to the extent that they seek "records of disciplinary actions," "records of any security or law enforcement agency or department," "performance reviews," or any other documents relating to any disciplinary actions or any internal investigations conducted by U.C. concerning her. Jt. Ltr. at 1. Plaintiff agrees that U.C., Stubbs & Leone, P.C., and Holmes & Usoz LLP may produce all other documents responsive to these subpoenas. *Id.*

Liberty maintains that Plaintiff has waived all objections to the subpoena to U.C. Berkeley, and has articulated no reason for the Court to conduct an in camera review of any documents responsive to Liberty's subpoenas. *Id.* Liberty argues that Plaintiff's personnel records are relevant to the parties' claims and defenses, and are reasonably calculated to lead to the discovery of admissible evidence. *Id.*

1 Upon review of the parties' positions, the Court ORDERS as follows:

- 2 1) Plaintiff's request for a protective order is DENIED, except as to any claim of  
3 privilege. For any such claim, a privilege log shall be provided in compliance with  
4 Federal Rule of Civil Procedure 26(b)(5) within seven days. The privilege log  
5 must be sufficiently detailed and informative to justify the privilege. With respect  
6 to each communication for which a claim of privilege or work product is made, the  
7 party must identify: (a) all persons making or receiving the privileged or protected  
8 communication; (b) the steps taken to ensure the confidentiality of the  
9 communication, including affirmation that no unauthorized persons have received  
10 the communication; (c) the date of the communication; and (d) the subject matter of  
11 the communication.
- 12 2) If Liberty disputes that any privilege applies, the parties shall meet and confer in  
13 compliance with the undersigned's Discovery Standing Order. If it is necessary for  
14 the parties to file a joint letter, Plaintiff will lodge with the undersigned's chambers  
15 (not file) the disputed documents for the Court's review.

16 **IT IS SO ORDERED.**

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18 Dated: October 16, 2014

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21 MARIA-ELENA JAMES  
22 United States Magistrate Judge  
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